

Remarks

Claims 1, 18-21, and 27-43 are pending. Claims 27-43 have been added. Claims 19-21 have been amended. Applicants would like to point out that none of the claim amendments narrow the scope of the claims, but rather serve to more clearly describe the invention encompassed. Claims 2-17 and 22-26 have been cancelled without prejudice. Applicants reserve the right to pursue the subject matter of any of the canceled claims in one or more divisional, continuation, or continuation-in-part applications.

The subject matter encompassed by the amended and new claims is disclosed by the instant specification. Claims 27 and 30 are supported, *e.g.*, on page 14, lines 6-11 of the instant specification. Claims 28, 29, 33, 34, 37, 38 and 42 are supported, *e.g.*, on page 11, lines 11-15 and lines 19-26 of the instant specification. Claims 31, 32, 40 and 41 are supported, *e.g.*, on 13, lines 8-10 and page 14, lines 12-15. Claims 35-36 are supported, *e.g.*, on page 4, lines 23-31 and page 22, lines 21-25 and in original claims 23-24. Claim 39 is supported, *e.g.*, on page 13, lines 8-10 and on page 14, lines 12-15 of the instant specification. Claim 43 is supported, *e.g.*, on page 14, lines 6-11 and Figures 1-2 of the instant specification. Accordingly, no new matter has been added.

The Restriction Requirement

In the Office Action, restriction is required to one of the following groups of invention:

Group I, Claims 7-17 drawn to an HCV replicon enhanced cell comprising a first and second HCV replicon, and a method of use thereof;

Group II, Claim 18 drawn to an HCV replicon comprising a beta-lactamase reporter; and

Group III, Claims 19-22 drawn to a chimeric HCV replicon.

In order to be fully responsive, Applicants provisionally elect, with traverse, Group III, claims 19-22, to prosecute in the present application without prejudice to prosecution of the subject matter of the non-elected groups in subsequent applications. Claims 19-21 and 27-43 correspond to the subject matter of original claims 19-22.

Applicants note that the Examiner did not include claims 1-6 in any of the groups of the Restriction Requirement. It is also respectfully submitted that a search designed for the subject matter of Group III must include reference to a beta-lactamase reporter due to dependent claims 28, 33, and 37. Therefore, inclusion of that claim limitation in the independent claim corresponding to Group II is not adding new subject matter to the search.

The M.P.E.P § 803 (Eighth Edition, incorporating Revision No. 2, May 2004) states "If the search an examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Because a search could be crafted that encompasses the subject matter of

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both Groups II and III, Applicants respectfully request that the Restriction Requirement be modified and the instant claims be examined in one application.

Conclusion

It is believed that the claims now pending are in condition for allowance. Early and favorable action by the Examiner is earnestly requested.

Authorization

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to deposit account 13-2755.

Respectfully submitted,
Dated: April 12, 2007 By: 
Sheldon O. Heber
Reg. No. 38,179
Attorney for Applicants

Correspondence Address:
Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907
(732) 594-1958 Telephone
(732) 594-7790 Facsimile